

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

James Cobb and Shirley Cobb,	)	C/A No.: 8:07-cv-02526-GRA
	)	
Plaintiffs,	)	<b>ORDER</b>
	)	(Written Opinion)
v.	)	
	)	
First Preston Management, Inc., a	)	
corporation, and Bank of America	)	
Corporation, a corporation,	)	
	)	
Defendants,	)	
	)	
First Preston Management, Inc.,	)	
	)	
Third Party Plaintiff,	)	
	)	
v.	)	
	)	
Daniel C. Foley,	)	
	)	
Third Party Defendant.	)	
	)	
	)	
	)	

---

This matter comes before the Court by the filing of a Motion for Entry of a Default Judgment filed with this Court on May 23, 2008. Third Party Plaintiff/Defendant First Preston Management, Inc. also filed an Affidavit of Service and an Affidavit in support of the entry of default judgment. This Court finds that the Third Party defendant Daniel C. Foley was served with a Summons and Third Party Complaint on December 11, 2007. Mr. Foley was provided an extension of time until

January 20, 2008 to file responsive pleadings. This Court finds that no responsive pleadings have been filed to date with the Court. This Court further concludes that pursuant to Rule 55 of the Federal Rules of Civil Procedure the Third Party Defendant Daniel C. Foley is in default and that the Third Party Plaintiff/Defendant is entitled to the entry of a judgment by default.

**IT IS SO ORDERED.**



---

G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina  
June 23, 2008